

EXHIBIT E

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 HERMÈS INTERNATIONAL, et al.,

4 Plaintiffs,

5 v.

22 Civ. 384 (JSR)

6 MASON ROTHSCHILD,

7 Defendant.

8 -----x
9 New York, N.Y.
February 1, 2023
10 9:30 a.m.

11 Before:

12 HON. JED S. RAKOFF,

13 District Judge
-and a Jury-

14
15 APPEARANCES

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Estival - Direct

1 would check, we would push the randomization, like, script, and
2 it randomizes who gets what and you refresh your, like, page on
3 like OpenSea or something like that, and then you would see
4 what you got.

5 Q. Then you would have it?

6 A. Yeah. Then you would have it.

7 Q. How much did you sell the MetaBirkins for when they were
8 minting?

9 A. .1 Ethereum, which is the equivalent of like \$450.

10 Q. At the time?

11 A. At the time.

12 Q. The price of ether fluctuates?

13 A. Yes, significantly.

14 Q. Do you believe you could have sold them for more?

15 A. For sure. The demand was crazy, but that was part of the
16 experiment.

17 Q. When you say that was part of the experiment, what do you
18 mean by that?

19 A. I mean, Hermès Birkin bags are known to be sold for
20 \$12,000, you know, minimum of \$12,000, like they said. So I
21 said, let me see if I can charge, like, almost nothing for
22 them, like \$450, and see what the people do with them and see
23 what they value, is it the image or, like, the product.

24 Q. And did the MetaBirkins -- when you minted the MetaBirkins,
25 did you keep any for yourself?

N21sHER2

Estival - Direct

1 like, \$47,000, I think, at the time. Um, so super successful,
2 and I didn't know it was going to follow up with anything,
3 honestly, until I saw that fur-free press release.

4 And then, like I said, the light bulb went off. When
5 it comes to just utilizing the Birkin bag, it was -- I live in
6 LA. Every housewife has one. Every person who comes into our
7 store has one. Our top clients are, like, Kylie Jenner comes
8 in and really popularized the Baby Birkin. I see it all the
9 time. I hear it all the time. It just was a recurring theme.

10 Q. Now, then you say you wanted to create the same kind of
11 illusion that it has in real life as a digital commodity, what
12 did you mean by the digital commodity part of this?

13 A. It's probably a bad choice of words. I mean, I'm not the
14 greatest with my vocabulary, and it's my first time doing a big
15 national TV interview. But to my understanding, you know,
16 people buy and sell art, you know, and a commodity is something
17 that you buy and sell. So I attributed the word commodity to
18 explain something that you buy or sell or trade.

19 Q. Can we skip down a little bit to one, two, three, four,
20 five -- five lines from the bottom. There is a comma, then it
21 says, Keeping that scarcity of 100 bags total and seeing what
22 the community does with that.

23 What are you talking about there?

24 A. Since there was only 100, and at the time, at the peak,
25 there was, like, about 50,000 people who wanted one. Well, in

N21sHER6

Estival - Cross

1 Did he speak -- do you know whether he spoke to any of
2 these people?

3 A. Um, no.

4 Q. OK. Do you know if he texted with them or otherwise spoke
5 to them, otherwise was in communication with them?

6 A. No.

7 Q. Was he in touch with them on Discord?

8 A. No.

9 Q. OK. So after minting, the MetaBirkins went on blockchain,
10 correct?

11 A. Yes.

12 Q. And they were added to NFT marketplaces like OpenSea and
13 Rarible that we've discussed?

14 A. Yes.

15 Q. And they were delisted from OpenSea and Rarible, is that
16 correct; they were delisted from a few?

17 A. Yes.

18 Q. But they are still available on LooksRare?

19 A. Yes.

20 MR. WARSHAVSKY: I would like to show Plaintiff's
21 Exhibit 386, please.

22 I'm sorry, just to the -- I keep doing this -- the
23 witness, judge, and defense counsel.

24 Q. Have you seen this document before?

25 A. Yes.